

Valles Caldera Trust

Multiple Use and Sustained Yield of Forage Resources Environmental Analysis – Summary Response to Comments

1. Introduction

On December 19, 2008, the Valles Caldera Trust (the Trust) made an Environmental Assessment (EA) available for a 45-day public review and comment period. The EA considered actions and environmental consequences of the proposed Multiple Use and Sustained Yield of Forage Resources (MUSY – Forage) on the Valles Caldera National Preserve (the Preserve).

An EA is prepared by a federal agency in order to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). It is also prepared to ensure an agency's compliance with the National Environmental Policy Act (NEPA) and planning and decision-making, when an EIS is not required. The public review and comments were an important component in the preparation of the FONSI for MUSY-Forage.

The Trust received 91 responses. Overall the responses reflected an accurate understanding of key issues, alternatives, and environmental consequences. The comments were substantive and articulated preferences for a particular alternative; various interpretations of the Valles Caldera Preservation Act (the Act), questions or concerns regarding conclusions and data, the scope of the analysis, or the level of environmental documentation. Nearly 20 comments requested an extension to the comment period.

This document summarizes the key questions, concerns and observations from the comments received as well as the Trust's response. Where comments are quoted, the initials or organization name, as well as the city and state of the commenter, are included. This comment and response summary has been made available with the draft FONSI to aid in the review and comment of the finding. A more detailed document of comments and responses will be included in the final EA as an appendix. The complete set of comments received by the Trust will be retained in the Administrative Record and available upon request.

2. Comments and Responses

2.1. Requests to Extend the Length of the Comment Period

An EA is typically released for a 30-day comment period. Due to the length of the EA, the Trust provided a 45-day comment period. Based on numerous requests received by the public, the Trust extended the comment period for an additional 10-days. Furthermore, the Trust is making the FONSI and this summary response available for an additional 30-day review and comment period.

2.2. Alternative Preferences

A portion of the comments received articulated strong preferences both for and against each alternative. The comments were considered in making the FONSI and will also be considered in making the implementing decision. Comments and responses are grouped by Alternative A and B (no action and minimal grazing), C and D (greater levels of grazing), and C₂ and D₂ which includes facilities upgrades and improvements.

2.2.1. Alternatives A & B

Comment Summary

Individuals and groups who place the greatest importance on recreating on the Preserve often supported Alternative B as in the following quote (YD- Los Alamos, New Mexico) *"I like alternative B best - the one that allots the forage to the elk and doesn't concern itself too much with cattle grazing. It's the most recreation-friendly of the alternatives because it will take down much of the interior fencing and rehabilitate some of the stock tanks which can then be used for recreation uses."*

This individual believed that relative values and benefits could be achieved through a lesser allocation of forage, and included the following, *"The small, early grazing programs that helped local communities like Jemez Pueblo or furthered grazing research and education, like the NMSU experimental grazing program, seem more befitting a science-oriented institution like the Valles Caldera National Preserve."* Generally those in support of Alternative B did not support Alternative D citing that the potential income is too insignificant to be weighed over other values and resources.

Individuals and groups emphasizing resource protection and preservation could generate only reluctant support for Alternative B as in this comment (MT - Los Alamos, New Mexico), *"I do not see how any of the other alternatives presented would allow livestock grazing programs and not conflict with, or affect visitor activities and experiences. There is a chance Alternative B would work. There is NO chance Alternatives C or D would NOT conflict with or affect visitor activities and experiences."* There were several comments that advocated for consideration of an additional alternative that proposed repairs of infrastructure as necessary for resource protection and no consideration of domestic livestock grazing. Others that advocated for a change in legislation such as in this comment (TF, Socorro County, New Mexico), *"It is my opinion that we need not graze such a unique biological jewel in the first place. Rather, we must push legislation that can properly spare the Valles of any more livestock degradation and instead move it towards National Monument or Park status. We do not need to have a federal and state funded "preserve" for livestock ranching in our state; there are plenty of working cattle ranches in NM that already preserve that legacy on a daily basis. Instead, what we need are more safe places for wildlife to flourish, which includes fish and birds, so that future generations can have the experience of visiting a beautiful, natural ecosystem."* These comments generally viewed any level of grazing by domestic livestock as incompatible with improvements in the ecological condition or providing quality recreation.

Response

Comments in support of either Alternative A (no action), or Alternative B (minimal allocation of forage towards domestic livestock grazing or other extractive use) often cited an objection to grazing on public land and advocated for a change in the Preserve's authorizing legislation. The scope of the EA is limited to grazing the Valles Caldera National Preserve and consistent with the

Valles Caldera Preservation Act. Addressing the appropriateness of grazing on public land in general or changes in legislation are outside the scope of this EA.

All the action alternatives include adopting goals for continued improvements in the ecological condition of the Preserve. Objectives and monitored outcomes ensure that monitoring and evaluation are timely, systematic, and support adjustments in management actions to continue towards goal attainment. The EA describes measured improvements in ecological condition which have been concurrent with interim grazing.

2.2.2. Alternatives C & D

Comment Summary

Comments by cattle producers generally reflected a desire for future opportunities to graze on the Preserve and favored either Alternative C or D. Comments varied as to whether they supported the types of programs and allocation of forage described under Alternative C or D.

Local producers believed that Alternative C would support opportunities for the Preserve to play a role in their current livestock operations. Jemez Pueblo Livestock Association described the benefits realized by the association in 2004 and 2005. During this period the Association grazed their herd on the Preserve, while they rested and made range improvements on Tribal lands. Another comment by a local producer (TJ – Cuba, New Mexico) believed Alternative C could support collaboration which, “... *focused on providing opportunities locally and improving rangelands in the region.*” He believes such a program “...*could increase in profitability over time but would have to have an opportunity to grow and develop.*” New Mexico Department of Game and Fish also recommended Alternative C.

A form letter was circulated by livestock producers from throughout the State of New Mexico to generate support for Alternative D. This alternative would likely create the most open and competitive opportunity to graze livestock on the Preserve. These advocates believed that Alternative D best reflected the “Working Ranch” envisioned by Congress as provided in the following statement, “*It [Alternative D] is the only alternative that provides the Trust with a real chance to provide the public with the opportunity to enjoy recreational and educational activities on a productive, ecologically sound working ranch in public ownership.*”

Response

Advocates on both sides demonstrated a good understanding of the Alternatives although some comments indicated an incorrect interpretation regarding “exclusivity” between Alternatives C and D. Those in favor of Alternative D interpreted the EA as meaning that if Alternative D were selected, relative values such as education and science could not be considered and believed that Alternative C would favor participants based on their residency.

While Alternative C considers relative values and benefits as equal to, or more important than, economic return, programs implemented under this alternative would be required to return an amount greater than, or equal to, the direct costs associated with the program. While, Alternative D would weight economic return over relative values and benefits, ecological goals, objectives and monitored outcomes would also apply to this alternative. As stated in the Executive Summary:

“All the action alternatives include adopting goals for continued improvements in the ecological condition of the Preserve. No alternative limits nor guarantees participation based on residency or socioeconomic condition...”

2.2.3. Alternatives C₂ & D₂

Comment Summary

Several comments questioned the connectivity of facility improvements to domestic livestock grazing. Other comments confused the proposed facility improvements specific to Alternatives C₂ and D₂ with management of ranch infrastructure (fences corrals, earthen tanks, etc.).

Response

The terms *infrastructure* and *facilities* are not used interchangeably. Descriptions and actions regarding infrastructure are specific to fences, gates, corrals, cattle guards and earthen tanks. Infrastructure management varies to support the levels of domestic livestock use described in each alternative. Infrastructure management is considered a *connected* action under NEPA. Connected actions include one action triggered or required by the implementation of another action.

Facilities maintenance and upgrade activities described under Alternatives C₂ and D₂ are restricted to the horse barn, pole barn and tack shed. Facility maintenance repairs and upgrades would provide ancillary support to programs implemented under MUSY Forage; however these repairs and upgrades are not considered connected actions. Because the facility management is not a connected action, it is considered separately and the alternatives could be implemented with or without facilities management.

2.3. Interpretation of the Act

These comments were generally related to statements in support of one alternative or another and focused on the interpretation of management goals, especially “operation as a working ranch”, and financial self-sufficiency. The interpretation of the Act was such a consistent theme that it warranted a discrete response.

2.3.1. Management Goals and Operation as a Working Ranch

Comment Summary

From the form letter distributed by livestock producers from throughout the State of New Mexico, *“The Valles Caldera is a national treasure that should be preserved as envisioned by the enabling legislation as a working ranch – including grazing livestock that provide a multitude of benefits to the landscape wildlife and the public.”*

From Caldera Action - Santa Fe, New Mexico, *“The Trust appears to have prepared this EA under the assumption that domestic livestock grazing is required by the Act. This is not the case.”*

From the Sierra Club – Santa Fe, New Mexico, *“The EA refers to the direction to manage the Trust as a working ranch (undefined in the Act) and infers that this requires grazing.”*

Response

The EA makes no statement that grazing is *required*. The EA does not paraphrase the Valles Caldera Preservation Act of 2000 or the Multiple Use and Sustained Yield Act of 1960. When referencing the purposes and goals of the Act under 1.2.1 Purpose and Need, the EA quotes all purposes and goals verbatim from the Act. The purposes and goals as provided under 1.2.1 do not indicate a requirement for grazing but indicate the need to manage the use of forage in context with the purposes and goals of the Act and the need to establish goals, objectives, and monitored outcomes to ensure that the use of forage is consistent with the goals and purposes of the Act.

In 2005, the Trust’s Board of Trustees published the Framework and Strategic Guidance for the Comprehensive Management of the Preserve. In the Framework, a working ranch is defined as “an operation that places its primary emphasis on stewardship of resources as the foundation for both ecological and economic sustainability”. The Framework continues that a working ranch “runs a sustainable level of livestock, adjusting numbers as necessary; makes resources available for other revenue-generating activities such as bird watching, hunting, fishing, and other low-impact recreational activities; applies adaptive management on a day-to-day basis to ensure resource protection; and monitors the impacts of its activities” (Valles Caldera Trust 2005). This definition is compatible with English dictionary, industry, and other “plain language” definitions. In addition, it frames the meaning of a working ranch in context with the other goals put forward in the Act.

The EA included this definition in the preface. No comments specifically addressed the definition put forward in the EA.

2.3.2. Financial Self Sufficiency

a) Comment Summary

From the form letter distributed by producers from throughout the State of New Mexico, in reference to Alternative C, the letter states, *“While this Alternative gives greater importance to local producers it ignores the requirement to become self-supporting and to optimize income from renewable resources.”* It is similarly critical of Alternatives A and B, again incorrectly citing a mandate to *“...utilize renewable resources to optimize income”* This letter further states that *“...while the goals and need of the Santa Fe National Forest are worthy, the Preserve has its own needs and goals...”*

a) Response

This letter/comment incorrectly quotes the goal from Section 108 (d), 6. of the Act which states, “optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.” This meaning is considerably different than “...optimizing income from renewable resources.”

The comment incorrectly paraphrases statements in the EA regarding “goals and needs of the Santa Fe National Forest.” The EA references the goals from the Act Section 108, (5), (b) which include “enhance coordination of management objectives with those on surrounding National Forest System land;

b) Comment Summary

Several comments found discrepancies between the performance requirement listed under 1.3.2 Proposed Action, which states, *“Domestic livestock grazing programs would return an amount to the Trust greater than or equal to operational costs incurred by the Trust”*, descriptions of past programs that have not broken even financially, and the economic analysis provided in section 3.6 of the EA.

b) Response

The operational costs referred to in the performance requirements are direct costs and vary by program. Programs implemented from 2002-2006 were implemented under an EA for an *“Interim Grazing Strategy”* prepared in 2002, and amended in 2003 (periodic reviews and decisions were also made in 2004 and 2006). During the implementation of the Interim Grazing Strategy, the Trust experimented with various programs to gain information for *“the development of a comprehensive long term “model” grazing program”*. The EA acknowledges this learning period and briefly describes a variety of funding sources that can be accessed to develop programs which provide relative values such as research, education or ecological restoration.

The economic analysis combines the total costs associated with each alternative, including deferred maintenance needs. The losses are based on required large investments as a result of neglect or of poorly located and constructed infrastructure. The economic analysis quantifies the potential contribution of livestock grazing to the financial self sufficiency of the Preserve under varying program objectives. It is not intended to be a business plan for any specific program.

2.4. Conclusions and Use of Data

These comments were considered carefully in the preparation of the findings. Controversy regarding the effects is an element of significance that may indicate a need to prepare an EIS. Under NEPA, controversy refers to cases where a substantial dispute exists as to the size, nature, or effect of a major federal action, rather than the existence of opposition to a particular use.

2.4.1. Forage Allocation and Environmental Consequences

Comment Summary

The Trust received comments questioning the proposed action to allocate 60 percent of the Preserve’s forage to ecosystem services (such as ecosystem health and productivity, resource protection, and wildlife habitat). Comments cited the allocation as “arbitrary” (Northern New Mexico Stockman’s Association) and questioned the use of a USDA 1954, report prepared by Franklin Crider as a reference (citing his work as “biased” and “outdated”). The following quote (BBN – Alpine, Texas) suggests a controversy exists and recommends alternative references. *“This*

is yet another example of cherry picking the science to fit an anti-grazing agenda in one place and then contradicting that claim elsewhere for the same purpose. In contrast, Allan Savory's ideas (see Holistic Management, Island Press, 1999) argue that native bunch grasses deteriorate with rest and respond best when trampled almost out of existence and buried in dung."

Comments by Wildearth Guardians – Santa Fe, New Mexico dispute, in general, any conclusions which include that the proposed level of domestic livestock grazing could be consistent with the proposed attainment of ecological goals and objectives. Other comments also mention concerns regarding potential adverse effects to the natural environment, especially riparian areas.

Response

The allocation of 60 percent of the Preserve's forage towards ecosystem services is the basis for determining capacity and suitability for allocating a portion of the Preserve's forage to domestic livestock grazing. It is also the basis for determining environmental consequences. Therefore the Trust reviewed additional publications including the reference cited in the comment by BBN – Alpine, Texas (Holistic Management, Island Press 1999).

One such publication, Livestock Management in the American Southwest, Ecology, Society, and Economics edited by Roy Jamison and Carol Raish of the USFS Rocky Mountain Research Station, Albuquerque, New Mexico and published by Elsevier Science B.V. 2000, included a chapter on the montane grasslands of New Mexico and Arizona. This chapter reviews scientific data on grazing in montane ecosystems and concurs with the EA on effects to species and the system as a whole. It specifically concurs with the recommendation of 40% utilization as a maximum standard, and the phases of degradation which result from overgrazing as cited in the EA on page 85. In the Society for Range Management publication, Rangelands 22(3), June 2000, Jerry Holecek¹ and Dee Galt² published Grazing Intensity Guidelines. They include guidelines for mountain grassland rangelands in New Mexico. Guidelines for conservative grazing intensity (EA 1.2.4 Purpose and Need) are 31-40% utilization.

Further the EA acknowledges the variability in wildland systems through the statement on page 80, "In summary, while 40 percent use is the objective, it is not possible to manage native fauna and domestic livestock with such precision. The proposed allocation of forage is a conservative approach to ensure that over use is not ubiquitous, repeated, or excessive. Adaptive management, guided by the proposed system of goals, objectives, and monitored outcomes is designed to inform managers at various scales to ensure the integrity of the system as a whole is maintained or improved over time. Actual allocation and capacity can be adjusted based on the assigned area and duration of use, the types or class of animals, available management tools (herding, fences, lures), and environmental conditions."

The EA and proposed allocation of forage is not inconsistent with the principals of Holistic Resource Management (HRM) described by Allen Savory (Island Press 1999). Philosophical principals of HRM in the publication referenced by the comment (BBN – Alpine, Texas) include, "...any attempt to "manage" natural resources, given the complexity of our ecosystem, must consider the entire system or assume a high risk of breakdown in the long run. Nothing less than a full treatment which includes human, biological, and financial resources, will succeed." The EA was prepared for the montane grasslands and other ecosystems of the Valles Caldera. These systems did not evolve

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² Private range consultant

with the intensive grazing disturbances referenced in the comment and would be inappropriate to manage as such. The EA considers the entire system of the Preserve and describes the affected environment by ecosites and by location at various watershed levels. The descriptions and effects analysis is site specific and include abiotic, biotic, and riparian resources. The effects of grazing and other proposed actions are considered on individual plants, species composition, and diversity, as well as ecosites. Permanent monitoring sites are evaluated as individual sites and combined as ecosites and combined by location at various watershed levels.

The EA sites Crider's work as it remains a benchmark for the response of certain species to "clipping" (simulated grazing). Crider's work evaluated a variety of grasses under both controlled greenhouse and open field conditions. Species tested included Arizona Fescue and Kentucky bluegrass, primary and secondary components in the upper and lower montane grassland ecotypes, dominant in the Preserve's grasslands. All species tested exhibited similar thresholds for root growth stoppage at roughly 40 percent of shoot utilization. Other references in the EA include Michunas' 2006 report, Responses of Plant Communities to Grazing in the Southwestern United States published by the USFS Rocky Mountain Research Station; reports by Vavra et al. published by the Society of Range Management, and Loeser in a 2007 issue of Conservation Biology. Site specific reports include a report on the condition and capacity of the Valles Caldera National Preserve prepared by Dr. Kris Havstad, Joranada Experimental Range Station in 2002, and a Forest Service interdisciplinary team existing condition report prepared in 2007. This latter report considered monitored data collected through the interim grazing program from 2002 – 2006. The EA also included 2007 data.

2.4.2. Use of Qualitative Information

Comment Summary

These comments were directed towards discussion regarding cattle and recreation interactions and estimates of the types of programs and levels of income expected under the various alternatives. For example in the following excerpt from a letter from Forest Service Employees for Environmental Ethics (FSEEE) – Eugene Oregon, *"None of the sources cited above (Trujillo, Chacan and Rosauer, and Santa Fe National Forest) provide any support whatsoever for this conclusion. Most of these citations appear simply to be Trust staff interviewing other Trust staff.... The Council on Environmental Quality regulations state: "Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses ... They shall identify any methodologies used and shall make explicit references by footnote to the scientific and other sources relied upon for conclusions..." 40 CFR §1502.24.*

In addition comments by FSEEE criticized the statement in the EA, *"By contributing to other societal needs such as, education, resource protection and restoration, and contributions to rural communities, these types of programs could be eligible for funding through grants, tuition, and other sources outside of grazing fees."*

Response

During the interim period the Trust grazed various numbers of livestock (from just under 200 in 2006 to 1,960 in 2008). The Trust also operated a variety of programs (cow/calf, replacement heifer, yearling/steer). It was based on these experiences that the Trust discussed the types of interactions between cattle and recreationists. Conclusions were based on public comment forms

regarding the recreation program 2002-2004 and 2008, unsolicited phone calls and comments made at public meetings, and in response to scoping and interviews with recreation staff.

The annual programs operated under the Interim Livestock Grazing Strategy from 2002 – 2008 also provided a reasonable estimate of the revenues that could be expected from various programs and the costs associated with each. During this period the Trust received fees per head for grazing and breeding. The interim period included programs managed by the owner/operator and programs managed by the Trust. The Trust also received proposals for various types of programs. Both proposed and actual fees received were from small and large, local and non-local producers. In addition, the Trust requested average lease fees per Animal Unit Month for the State of New Mexico from the New Mexico Cattle Growers Association. Assumptions regarding an increase in revenue in the socioeconomic analysis were based on comments by producers in their proposals and at various meetings.

The FSEEE criticized the use of interviews and personal communications as citations in the EA. These communications were interviews conducted by the economist preparing the socioeconomic impact analysis. The individuals interviewed were from the USDA Cooperative State Research, Education, and Extension Service (CSREES), and District and Forest Range Staff from the Santa Fe National Forest. Their expert opinions on the potential for developing collaborative programs with small, local producers are acceptable based on professional expertise. Interviews with Trust staff were conducted by the U.S. Forest Service Interdisciplinary Team in the preparation of their specialist reports. The analysis includes the recommendations, opinions, observations, and statements of professional land managers, extension agents, and ranchers with lifetime experience and careers spent managing land and livestock in the montane ecosystems and local communities surrounding the Preserve. The Trust includes this collective experience as critical to increasing our knowledge of the natural and social landscape of the Preserve.

Using various fund development opportunities to support programs that contribute to societal needs is an acceptable business strategy for non-profit organizations (the Valles Caldera Trust is a 501(c) 1). Since 2001, the Trust has benefited from over \$1,000,000 per year in extramural funding and grants with \$1.8 million being spent on the Preserve in each of 2007 and 2008. The socioeconomic impact compares the present net value for each alternative. This simple comparative analysis does not include the variety of funding opportunities that could be explored. The qualitative information includes potential funding opportunities. The Trust staff has expertise and experience in fund development and is qualified to provide professional opinions regarding potential funding sources.

Summary

The comments and questions received regarding conclusions and the use of data were insightful and substantive. They required a careful review of the content of the EA and references cited. They also initiated additional literature reviews. Based on this review, the Trust has determined that there is not a substantial dispute as to the size, nature, or effect of the proposed MUSY-Forage. The conclusions in the EA and use of data are supported by a consensus of scientific literature and are appropriate to the location and timing of the action. Qualitative information is supported by past experience, interviews with experts, and public comment.

2.5. Scope of the Analysis

Comment Summary

The Trust received comments and questions regarding the scope of the analysis, primarily the actions being considered. Comments recommended considering elk management (including the construction of a game fence across the Preserve's northern boundary), vegetation management and restoration activities, such as prescribed fire and forest thinning, and the development of a comprehensive plan for managing the Preserve including natural resource, recreation, and facility management.

Response

The Trust considered the Valles Caldera Preservation Act, NEPA, and the NEPA procedures of the Trust in determining the scope of the action.

In Chapter 2, section 2.1.5 the EA briefly describes the Trust's rationale for narrowing the scope of the analysis to the proposed MUSY-Forage. This section specifically discusses the considered expansion of the analysis to include elk management or management and restoration of the forests and grasslands.

The Valles Caldera Preservation Act under section 108 Resource Management, (f) Applicable Laws, exempts the Trust from the requirements of the Forest and Rangeland Renewable Resources and Planning Act of 1974, as amended (16 USC 1600 et seq). The purposes for the Act (and acquisition) as described in section 102 Findings and Purposes, (b) Purposes, included establishing a "...demonstration area for an experimental management regime..." The NEPA procedures of the Trust in section 101.10, describe comprehensive management of the Preserve as a dynamic process including "all stewardship registers, the State of the Preserve, and the strategic guidance adopted by the Board of Trustees" as opposed to a static document. The Trust is well within the Act and its NEPA procedures to limit the scope of the analysis.

The EA is consistent with NEPA in the scope of the analysis regarding the consideration of *connected*, *cumulative*, and *similar* actions. NEPA requires agencies to consider connected actions (when one activity triggers or requires the implementation of another activity), *cumulative* (past, present and reasonable foreseeable future) actions, and *similar* (common timing, geography or effects) actions. The EA considers infrastructure management as *connected* to MUSY-Forage. The proposed MUSY-Forage is closely related to, and in some cases triggers or requires, infrastructure management. The EA considers MUSY-Forage with and without improvements to some facilities. The proposed improvements are not triggered or required by the proposed stewardship action, but could support MUSY-Forage. The EA considers cumulative actions including interim programs for recreation and resource management.

Long-term programs for access and use of the Preserve including development cannot be identified to a reasonable foreseeable degree. The proposed MUSY Forage does not limit or constrain any future decisions associated with public programs or facilities. Future plans for access and use can propose, analyze and make decisions that would serve to adjust MUSY-Forage. Examples of such adjustments could include limiting the intensity, location, or timing of domestic livestock grazing.

Planning for landscape restoration activities within the Preserve's forest and grasslands is in general "reasonably foreseeable". The EA addresses it as such. It is not foreseeable to the degree that cumulative actions can be identified in time and space.

2.6. Adequacy of Environmental Documentation

Several comments suggested that an Environmental Impact Statement should be prepared regarding the proposed MUSY-Forage. Some of these comments suggested that an EIS should be prepared with an expanded scope of the analysis to include all major programs and activities on the Preserve. The scope of the analysis is addressed previously under 2.5; this response will focus on whether the proposed MUSY - Forage warrants the preparation of an EIS.

2.6.1. Requirements of NEPA and the NEPA Procedures of the Trust

Several comments cite the following section from the Supplementary Information (68 CFR 42460 – 42467) that precedes the final NEPA procedures of the Trust (68 CFR 42467 et. seq.).

Here is a quote included in several comments (Caldera Action, Santa Fe, New Mexico, Wildearth Guardians, Santa Fe, New Mexico, TJ - Los Alamos, New Mexico), *"The EA refers to the Trust's National Environmental Policy Act of 1969 (NEPA) procedures as finalized in 68 CFR 42460 et. seq.. Those procedures (see below) explicitly require an Environmental Impact Statement (EIS) for programs or plans for long-term programs."*

In both the Supplementary Information (quoted in the comments) and the final procedures, the Federal Register identifies long-term programs and plans for the management of livestock as actions for which an environmental impact statement is *normally* required, not *explicitly* required. The Supplementary Information also states under, I. Introduction that, "Agency NEPA procedures are internal procedural guidance intended to assist agencies in the fulfillment of agency responsibilities under NEPA, but are not the agency's final determination of what level of NEPA analysis is required for a particular proposed action."

Under §1501.3 (b) NEPA states that, "Agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decision-making"

The EA, in Chapter 1, Section 1.6 quotes the types of actions (relative to MUSY – Forage) the normally require the preparation of an EIS and an EA and why the proposed MUSY-Forage does not clearly fall into either category, thus the determination by the Trust to prepare the EA.

2.6.2. Length of the EA

Comment Summary

Several comments cited the length of the EA is triggering the requirement to prepare an EIS. One comment cited 1981 direction by the Council for Environmental Quality (CEQ), which indicates EAs should be not more than 12-15 pages. Current standards are quite different.

Response

The Santa Fe National Forest (SFNF), which is adjacent to and surrounding the Preserve has several EA's available on its website (www.fs.fed.us/r3/sfe/projects) considering domestic livestock grazing on single allotments within the Forest. One EA for the Peralta Allotment on the Jemez Ranger District is 98 pages long. Other EAs completed for the management of single allotments on the SFNF range from 51-78 pages. These EAs are analyzing proposed changes from current use including minor infrastructure improvements and minor changes in the numbers of animals, season, and/or rotation of use. In 2004, Bandelier National Monument prepared an Environmental Assessment for a Fire Management Plan that considered mechanical treatment, prescribed fire and the management of natural ignitions within Bandelier National Monument. This EA is 270 pages. Recent EAs prepared by the Trust have ranged from 15 pages (Interim Camping) to 34 pages (Valles Toledo Prescribed Fire). The length of EAs varies considerably depending on the scope of the action.

Length alone does not determine the need to prepare an EIS. The length of this particular EA is primarily due to lengthy descriptions of the Affected Environment (as opposed to lengthy and complex analysis). Forage allocation is proposed throughout the Preserve; lands suitable for domestic livestock grazing occur on about one third of the Preserve's acres and are distributed in or adjacent to most vegetation and habitat types. The Preserve-wide consideration necessitated a description of all vegetative and habitat types.

For example, Chapter 3, Section 3.1 includes over 50 pages describing the soils, hydrology, and vegetation of the Preserve as an ecosystem, as separate resources, and at various watershed levels and as they relate to ecological condition, capacity, and suitability for allocating forage. This lengthy and detailed description of the affected environment supports a concise (13 page) analysis of the environmental consequences in a comparative form.

Similarly the socioeconomic section is lengthy primarily due to the detailed description of the affected environment. The affected environment is described at various scales: the region, the industry, the local industry, local communities, individuals, and relative to the financial self-sufficiency of the Preserve. The environmental consequences are presented in a comparable form at the same multiple scales in 15 pages.

The document length is increased by the use of full page maps, multiple figures, and appendices.

The detailed descriptions of the natural and socioeconomic environments could have been incorporated by reference. To facilitate internal and public review, the EA includes detailed descriptions of the affected natural and socioeconomic environment. This allows the reader to read and consider the analysis without having to view various documents and web sites in order to understand the context and the affected environment. Based on the substantive nature of the comments received, the detailed descriptions of the affected environments and the methodologies for analysis appear to have contributed to the public's review and comment on the EA.

Summary

The length and complexity of the EA were considered in the preparation of the FONSI. Ultimately, the FONSI was based on the determination that the alternatives being considered in the EA would not significantly affect the human environment (the natural environment and people's relationship with the environment.) The preparation of an EA and FONSI for actions that cannot be excluded from environmental documentation but "*will not have a significant effect*

on the human environment” is consistent with direction in NEPA for reducing paperwork (§1500.4, (q)). NEPA provides direction for agencies regarding lengthy or complex EAs or EAs prepared for actions which normally require the preparation of an EIS. The Trust is also consistent with this direction by providing an extended comment period and making the draft FONSI available for a 30-day review and comment period prior to making an implementing decision.